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6                   UNITED STATES DISTRICT COURT  
7                   WESTERN DISTRICT OF WASHINGTON  
8                   AT SEATTLE

9 MANE FALETOGO, individually,

10                   Plaintiff,

11                   v.

12                   CITY OF SEATTLE, a municipal corporation,  
13                   OFFICER JARED KELLER ,

14                   Defendants.

NO.

**COMPLAINT FOR DAMAGES:  
PARENTAL LOSS OF CONSORTIUM  
RE: THE DEATH OF IOSIA  
FALETOGO**

**JURY DEMANDED**

15                   COMES NOW the Plaintiff by and through his attorneys of record, and alleges as  
16 follows:

17                   **I.       PARTIES**

18                   1.       Plaintiff Mane Faletogo is an adult male and the father of his deceased, Iosia  
19 Faletogo.

20                   2.       Defendants City of Seattle and Officer Jared Keller were responsible as  
21 employers, operators, and/or agents in relation to the Seattle Police Department.

22                   **II.      STATEMENT OF FACTS**

23                   3.       At approximately 5pm on Monday, December 31, 2018, then 36-year-old Iosia  
24 Faletogo was pulled over on Highway 99 near 96<sup>th</sup> Avenue North by officers with the Seattle  
25 Police Department.

1       4.     The alleged purpose of the stop was an illegal lane change and the license plate  
2 of the vehicle indicated that the owner had a suspended license.

3       5.     Iosia Faletogo ran from the scene, and a chase ensued, eventually involving at  
4 least six (6) officers in pursuit.

5       6.     The six (6) officers chased him across the highway and toward a side street,  
6 where they tackled him and struggled to arrest Iosia Faletogo.

7       7.     The officers spotted a gun on, and ordered Iosia Faletogo to release the weapon,  
8 and pandemonium ensued.

9       8.     “You’re going to get shot!” the officers can be heard screaming during the chase  
10 and physical struggle, followed by a glimpse of Iosia Faletogo’s gun on the ground beside him  
11 while several officers hovered over him.

12       9.     Another officer shouted “He’s reaching,” to which Iosia Faletogo said in a  
13 muffled voice, “I’m not reaching.”

14       10.    Ultimately, Officer Jared Keller fired his weapon into the back of Iosia  
15 Faletogo’s head.

16       11.    At the time, Officer Keller was wearing a mandated body camera, which  
17 reflected that Iosia Faletogo’s hands were entirely free of the weapon at the moment he was  
18 shot:  
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12. The fatal shooting came as a shock not only to Faletogo's family, but to the tight-knit local Samoan community which Faletogo's aunt Tiare Chanel said has been deeply affected by his death. "The shooting has brought a very dark cloud in my family," said Chanel, a Tacoma resident. "It has impacted our community a lot ... We feel that we're just going to be part of the count of people of color that's been conflicted with these issues."

13. At the request of Chief Carmen Best, the State Patrol has reportedly opened a criminal investigation into the shooting.

14. Mane Faletogo brings this lawsuit for what appears to be the unnecessary execution of his son.

### III. FEDERAL LOSS OF CONSORTIUM CLAIM: 42 U.S.C. 1983

15. Ninth Circuit precedent holds that "a parent who claims loss of the companionship and society of his or her child, or vice versa ... has a constitutionally protected liberty interest under the Fourteenth Amendment in the companionship and society of his or her

1 child ....”<sup>1</sup> This is true even where the deprivation is incidental to the state's acts.<sup>2</sup> Official  
 2 conduct that “shocks the conscience” in depriving parents of that interest is cognizable as a  
 3 violation of due process.<sup>3</sup> Where “actual deliberation is practical, then an officer's ‘deliberate  
 4 indifference’ may suffice to shock the conscience.”<sup>4</sup> On the other hand, “where a law  
 5 enforcement officer makes a snap judgment because of an escalating situation, his conduct may  
 6 only be found to shock the conscience if he acts with a purpose to harm unrelated to legitimate  
 7 law enforcement objectives.”<sup>5</sup>

9       16. Under this federal law, Mane Faletogo has a cause of action for the deprivation  
 10 associated with the loss of his adult son, Iosia Faletogo. Pursuant to the claims recognized at  
 11 federal common law stemming from the substantive due process rights under the Fourteenth  
 12 Amendment, Mane Faletogo hereby brings such a claim. At present, this federal lawsuit *does*  
 13 *not* include any claims derived by the Estate of Iosia Faletogo or any of the other beneficiaries  
 14 under state law. This claim also includes a cause of action for a pattern, practice, and failure of  
 15 training on the part of the City of Seattle leading up to this wrongful death. It is well  
 16 documented that the City of Seattle has a pattern and practice of the use of excessive force.  
 17 Multiple questionable shootings have occurred over the preceding years. In this situation, the  
 18 use of lethal force was not necessary, and full de-escalation was never attempted.

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22       <sup>1</sup> *Curnow v. Ridgecrest Police*, 952 F.2d 321, 325 (9th Cir.1991) (citing *Strandberg v. City of Helena*, 791 F.2d  
 23 744, 748 (9th Cir.1986); *Kelson v. City of Springfield*, 767 F.2d 651, 653–55 (9th Cir.1985)); see also *Moreland*  
 24 *v. Las Vegas Metro. Police Dep't*, 159 F.3d 365, 371 (9th Cir.1998) (noting that plaintiffs “may assert a Fourteenth  
 Amendment claim based on the related deprivation of their liberty interest arising out of their relationship with  
 [their deceased son]”).

25       <sup>2</sup> See *Moreland*, 159 F.3d at 371.

26       <sup>3</sup> *Wilkinson v. Torres*, 610 F.3d 546, 555 (9th Cir.2010) (citations omitted).

27       <sup>4</sup> *Id.*

28       <sup>5</sup> *Id.*

## **IV. PRAYER FOR RELIEF**

WHEREFORE, Plaintiff requests a judgment against Defendants:

- (a) Awarding Plaintiff general, special, and punitive damages to be proven at trial;
- (b) Awarding him reasonable attorney's fees and costs as available under law;
- (c) Awarding him any and all applicable interest on the judgment; and
- (d) Awarding them him other and further relief as the Court deems just and proper under the circumstances of this case.

DATED this 20<sup>th</sup> day of February, 2019.

## CONNELLY LAW OFFICES, PLLC

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